



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 4, 2016

BY ECF AND HAND DELIVERY

The Honorable Paul A. Engelmayer
United States District Court
40 Foley Square
New York, NY 10007

Re: *United States v. Jonathan Rodriguez et al.*, S2 15 Cr. 445 (PAE)

Dear Judge Engelmayer:

The Government writes in response to the Court's Order of May 3, 2016, and in advance of the status conference scheduled for May 5, 2016. As requested in Your Honor's May 3 Order, this letter provides a summary of the Government's provision of Rule 16 discovery since the last status conference, as well as the Government's present expectations as to the structure and scope of a superseding indictment, the timetable on which the Government expects to seek the return of a superseding indictment, and the appropriate trial date for defendants who will not face additional charges in the superseding indictment.

Rule 16 discovery: Since the last status conference, the Government has continued to investigate the charges in this case, and has obtained additional Rule 16 discovery, which either has been produced or is in the process of being produced. This Rule 16 discovery includes: (1) approximately twelve Youtube videos depicting members and associates of 18 Park performing rap songs, some lyrics of which relate to incidents relevant to this case; (2) the returns from six cellphones seized during the course of the respective defendants' arrests and searched pursuant to search warrants; (3) additional laboratory reports for drug testing related to narcotics seized during the course of this investigation; and (4) materials obtained from the Bronx District Attorney's Office relating to incidents relevant to this case. The Government has recently made available to defense counsel and with Emma Greenwood, Esq., the Discovery Coordinator in this case, to load onto hard drives the the Youtube videos, cellphone search warrant returns, and additional laboratory reports. In addition, the Government is currently processing the materials obtained from the Bronx District Attorney's Office, which were only recently received, and expects to produce those materials in the coming weeks. Finally, the Government has conferred with Ms. Greenwood regarding the discovery that has been provided in this case—which spans

Scope and Structure of the Superseding Indictment: The Government expects to seek the return of a superseding indictment in this case in the next two months. Among other things, the Government expects the superseding indictment to charge certain defendants already charged in this case with additional offenses, many of which are currently identified in the operative indictment, either as overt acts or as separate counts. In addition, the Government expects the superseding indictment to charge one or more defendants with committing a murder, which is not identified in the operative indictment.

Very truly yours,

By: _____ /s/
Samson Enzer
James McDonald
Dina McLeod
Assistant United States Attorney
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¹ Ms. Greenwood has informed the Government that she is considering employing third party vendors to assist defense counsel in reviewing discovery, and that she believes those third party vendors cannot be retained until this Court endorses the proposed protective order to which all defense counsel have agreed. The Government expects to submit the protective order to the Court for endorsement by the end of the week.